

FILED

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MONTANA
BILLINGS DIVISION

JUN - 2 2020

Clerk, U S District Court
District Of Montana
Billings

PENDER WEST CREDIT 1 REIT,
LLC,

Plaintiff,

vs.

KHAN REAL ESTATE, LLC,
MANSOOR A. KHAN, WESTERN
INN MOTEL, LLC, CREDIBLY,

Defendants.

CV 19-126-BLG-SPW

ORDER ADOPTING
MAGISTRATE'S FINDINGS
AND RECOMMENDATIONS

The United States Magistrate Judge filed Findings and Recommendations on May 18, 2020. (Doc. 31). The Magistrate recommended the Court deny the Plaintiff's motion to remand and grant in part and deny in part the Defendants' motion to dismiss. (Doc. 31 at 13).

Pursuant to 28 U.S.C. § 636(b)(1), parties are required to file written objections within 14 days of the filing of the Magistrate's Findings and Recommendation. No objections were filed. When neither party objects, this Court reviews the Magistrate's Findings and Recommendation for clear error.

McDonnell Douglas Corp. v. Commodore Bus. Mach., Inc., 656 F.2d 1309, 1313 (9th Cir. 1981). Clear error exists if the Court is left with a "definite and firm

conviction that a mistake has been committed." *United States v. Syrax*, 235 F.3d 422, 427 (9th Cir. 2000). After reviewing the Findings and Recommendation, this Court does not find that the Magistrate committed clear error.

IT IS ORDERED that the proposed Findings and Recommendations entered by the United States Magistrate Judge (Doc. 31) are ADOPTED IN FULL.

IT IS FURTHER ORDERED the Plaintiff's motion to remand (Doc. 2) is DENIED.

IT IS FURTHER ORDERED the Defendants' motion to dismiss (Doc. 20) is GRANTED in part and DENIED in part. The Court has jurisdiction over Khan Real Estate and Western Inn but lacks jurisdiction over Mr. Khan because of insufficient service of process.

DATED this 2nd day of June, 2020.



SUSAN P. WATTERS
United States District Judge